



NOV 08 2001

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In re Application of :  
Steven Proulx, et al. :  
Application No: 09/913,977 :  
PCT Application No.: PCT/US99/28501 :  
International Filing Date: 02 December 1999 :  
Priority Date: 03 December 1998 :  
Attorney Docket No.: MCA-449 PC/US :  
For: FILTRATION CARTRIDGE AND :  
PROCESS FOR FILTERING A SLURRY :

DECISION ON  
PETITION  
UNDER 37 CFR 1.137(b)

Applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office on 20 August 2001 is **GRANTED**.

**BACKGROUND**

On 02 December 1999, applicant filed an international application, No. PCT/US99/28501 which claimed the priority of an earlier US application filed on 03 December 1998. A copy of the application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 June 2000.

Applicant elected the US in a demand filed on 03 July 2000. On 03 June 2001, the application became abandoned when applicant failed to make the necessary filing with appropriate national fee within thirty months of the priority date.

On 20 August 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, a petition to revive the international application; the requisite petition fee; the requisite basic national fee as required by 35 U.S.C. §371(c)(1); and a declaration as required by 35 U.S.C. §371(c)(4).

**DISCUSSION**

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the

due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicant's states "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The appropriate national fee, petition fee and international application have been submitted. A terminal disclaimer is not required as application was filed on 02 December 1999. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant owes \$130.00 surcharge for filing the oath or declaration later thirty months from the priority date.

### CONCLUSION

The petition to revive the application abandoned under 35 U.S.C. 371(d) is **GRANTED** as to the National Stage in the United States of America. Applicant's claim for priority is acknowledged. The application has an international filing date of 02 December 1999 under 35 U.S.C. §363 and a date of 20 August 2001 under 35 U.S.C. §371. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.



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